

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

KENDRICK D. HUTTON

No. 3:12-00215  
CHIEF JUDGE HAYNES

**MOTION TO SUPPRESS EVIDENCE FROM UNLAWFUL TRAFFIC STOP  
AND REQUEST FOR SUPPRESSION HEARING**

Pursuant to the Fourth, Fifth, and Fourteenth Amendments, and for the reasons stated below, Defendant Kendrick Hutton respectfully moves to suppress all evidence obtained by Metro Police detectives on November 15, 2012, including any physical evidence and statements taken from Mr. Hutton. Mr. Hutton requests an evidentiary hearing so that the factual record may be fully developed on this motion. Mr Hutton submits that the government will not meet its burden of proof and will not be able to justify the warrantless traffic stop and search that occurred in this case.

**I. BACKGROUND**

On November 15, 2012, Mr. Hutton and two other individuals, Dimitri Howard and Brandon Smith were traveling through North Nashville in a 2004 Chevrolet Trailblazer (Ex. 1, Report of Investigation, at 1.) Initially, Dimitri Howard was driving the Trailblazer, Brandon Smith was riding in the front passenger seat and Mr. Hutton was in a rear passenger seat. The vehicle stopped at a stop sign on Herman St. at the intersection of 19<sup>th</sup> Ave. At that point, the three individuals exchanged seats by briefly exiting the vehicle and trading seats so that Mr. Hutton could drive. (*Id.*) Mr. Hutton got into the driver's seat and began driving the Trailblazer. He made a left hand turn onto 19th Ave. N. and pulled into a driveway.

Two detectives with the Metropolitan Police Department, Special Investigation Division, also known as the "Gang Unit," observed this activity and decided to stop the vehicle, purportedly based on the proposition that the vehicle had been "impeding traffic." (*Id.*) The

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